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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | CASE NO. 2:21-CR-00156-JCM-VCF |
| Plaintiff, |) | |
| |) | STIPULATION TO CONTINUE |
| vs. |) | SENTENCING HEARING |
| |) | |
| TREVION DARNELL MITCHELL, |) | (First Request) |
| |) | |
| Defendant. |) | |

IT IS HEREBY STIPULATED AND AGREED, between the United States of America, by and through its attorney, JASON M. FRIERSON, United States Attorney, through DANIEL R. COWHIG, Assistant United States Attorney; and Defendant TREVION DARNELL MITCHELL, by and through his counsel, SUNETHRA MURALIDHARA, ESQUIRE, Wright Marsh & Levy, that the sentencing hearing currently scheduled for December 15, 2023, at 10:00 a.m. be vacated and continued to January 10, 2024 at 10:30 a.m.

This stipulation is entered into for the following reasons:

1. This matter is partially briefed. The defense filed its sentencing memorandum (ECF 111) and formal objections to the PSR on December 8, 2023 (ECF 112). The government has not yet filed its response as the filing deadline has not yet passed. Given this request for continuance, the government may file its sentencing memorandum and other related filings in accordance with the Local Rules once a new sentencing date is Ordered.

2. Defense counsel and the government agree to this continuance. Mr. Mitchell is in pretrial detention at the NSDC. Today, through counsel's investigator, she discussed the status of the

1 case with Mr. Mitchell and the need for a continuance given counsel's health. Mr. Mitchell opposes
2 this request for more time. Nonetheless, given counsel's health, she files this stipulation in good
3 faith.

4 3. This continuance is being requested because defense counsel is sick with the flu and
5 will not be adequately prepared for sentencing in the current setting. Additionally, it would be in
6 the best interest of all parties for counsel not to appear in a public setting with flu symptoms. Further
7 given the nature of this case and defense counsel's relationship with client, it would be best for
8 continuity of counsel for her to attend sentencing when she is well rather than seek coverage.

9 4. Additionally, denial of this request for continuance could result in a miscarriage of
10 justice.

11 5. The additional time requested by this Stipulation is made in good faith and not for
12 purposes of delay.

13 6. This is the first request for a continuance of the sentencing hearing.

14 Dated this 13th day of December, 2023.

15 Respectfully submitted:

16 WRIGHT MARSH & LEVY

JASON M. FRIERSON
United States Attorney

17 By /s/ Sunethra Muralidhara
18 SUNETHRA MURALIDHARA, ESQUIRE
19 Attorney for Defendant Mitchell

By /s/ Daniel Cowhig
DANIEL COWHIG
Assistant United States Attorney

UNITED STATES DISTRICT COURT
THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
TREVION DARNELL MITCHELL,
Defendant.

CASE NO. 2:21-CR-00156-JCM-VCF
ORDER

Based on the Stipulation of the parties, the sentencing hearing in this matter is hereby continued. The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy sentencing, since the failure to grant said continuance would be likely to result in a miscarriage of justice, and would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

IS IT HEREBY ORDERED that the sentencing in the above-captioned matter currently scheduled for December 15, 2023, at 10:00 a.m., be vacated and continued to **January 10, 2024, at 10:30 a.m.**

Dated: December 14, 2023.



JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE